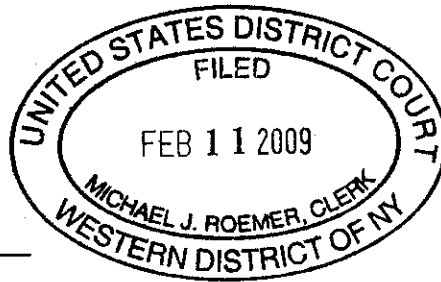


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK



-PS-O-

ANIEL ROOPNARINE,

Petitioner,

-v-

08-CV-0695A(F)

**ORDER**

MARTIN HERON,

Respondent.

Petitioner, Aniel Roopnarine, filed a petition for habeas corpus relief, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1).<sup>1</sup> Respondent has filed a motion to dismiss the petition as moot inasmuch as petitioner's removal to his native country was effected on or about January 5, 2009, by the Department of Homeland Security/Immigration and Customs Enforcement ("DHS/ICE"). (Docket No. 6, Affidavit of Gail Mitchell, Esq., sworn to January 12, 200, and Exhibit A, Warrant and Removal/Deportation). Respondent's counsel has submitted a copy of

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<sup>1</sup>Because petitioner did not and could not challenge his final order of removal in this Court, a stay of removal was neither requested nor granted. (Docket No. 1, Petition). See, e.g., *Sikder v. Gonzalez*, No. 05cv01833WYDMJW, 2006 WL 1149153, at \*5 (D. Col., April 28, 2006) ("Nevertheless, pursuant to the [REAL ID] Act, this court is without jurisdiction to hear the petitioner's claims or to grant him the relief he seeks in his motion, such as a stay of the order of removal.") (Order Affirming and Adopting Magistrate Judge's Report and Recommendation) (citations omitted); *Aime v. Department of Homeland Security*, No. 05-CV-0544F, 2005 WL 1971894, \*1 (W.D.N.Y. Aug. 16, 2005) ("since petitioner challenges an order of removal within the meaning of the REAL ID Act, § 106(b) . . . this Court has no jurisdiction to review the merits of the petition or to stay the order of removal.")

the Warrant/Removal of Deportation of DHS/ICE verifying the petitioner's removal. (*Id.*, Exhibit A).

Accordingly, in light of the fact that petitioner's removal has been effected and that the relief requested in the petition has been granted, *i.e.*, release from DHS detention, the respondent's motion to dismiss the petition is granted and the petition is dismissed.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESKA  
United States District Judge

Dated: February 11, 2009  
Rochester, New York